

Date 1/16/2020

United States District Court  
Northern District Of Alabama  
Southern Division

Michael D. Milton

Plaintiff,

Case NO.

Vs.

Agent P. Schmitt Stac 14721  
Huntsville Police Department

Defendant,

Complaint for a Civil Case

I was pulled over on January 21, 2018 by Huntsville Police officer Zurwoski. The reason for the stop was an All-points bulletin that had been placed on the vehicle I was operating. Officer Zurwoski approached the vehicle, my passenger and I was asked to show identification and we complied. Our names were ran and officer Zurwoski informed us we both had warrants, prompting him to ask us to exit the vehicle and my passenger and I were placed under arrest.

As a result of the stop and our subsequent arrest, approximately four to six more HPD vehicles arrived on the scene. With the arrival of these officers a search of the vehicle was conducted. At this time I was standing at the front of the arresting officer vehicle (Zurwoski) giving me a clear vantage point of my vehicle and the officer conducting the search. As he searched the drivers side of the vehicle he motioned other officers prompting them to gather at the drivers side door. The officer who searched the vehicle gave what he had found to officer P. Schmitt of

the stac team who performed the first of two field test on it. I say first of two because he initially took what he was given to the trunk of a HPD vehicle to retrieve what I assumed was a field test kit and returned to the passenger side of my vehicle. I was able to see him using said test kit trying to determine what he may have had, after the first attempt was not successful he once again returned to the trunk of the HPD vehicle retrieved again what I assume to be another field test kit and returned to my vehicle. He re-did the test after the second attempt he walked to me while I was still standing with Officer Zurwoski at the front of his vehicle. He had in his hand a plastic bag containing what looked to be a single small metallic capsule. Officer P. Schmitt asked me several times what it was that he was holding to which I had no response.

Officer Zurwoski read me my rights and I was formally placed under arrest. Officer P. Schmitt left in his vehicle during this time. I was transported to Madison County Jail around one or two o'clock and booked in on Theft of Property for the vehicle tag and Possession Of controlled substance. Hours later my charges were switched from the original Theft of property for the vehicle tag and possession of controlled substance to theft of property and Distribution of a controlled substance. This conflict was brought to my attention by my family who heard of my arrest and checked my current status on the public record known as jail view on the 21<sup>st</sup> of January, 2018. I spent the next three days in jail until my seventy-two hour hearing at which I discovered for the first time that I was being charged with possession of 9.6 grams of cocaine. At that moment Agent P. Schmitt knowingly and willingly not only committed perjury by swearing to materials matters of this case in front of the magistrate of the court he also knowingly and willingly violated my constitutional rights and jeopardized my life and liberty. At my preliminary hearing Officer Zurwoski took the stand in Mrs. Coats court room under oath

which he testified under oath that he saw a single capsule in the plastic bag. He also stated that there are multiple body and vehicle cameras that should show the facts and happening of the arrest. I believe that if you take the time to look at the evidence of this case and speak with the officers and DA'S involved you will see the unethical conduct from Agent P. Schmitt and any other officers involved. At the preliminary I asked my attorney Harold Hargrave to ask for chain of custody of the evidence because the arresting officer had already stated that there was only a small capsule so where did Agent P.Schmitt get 9.6 grams of cocaine from,

Complaint and demand  
for a jury trial.

Michael Miller

Deborah L. Jackson, Notary  
Commission Expires 4/11/2023

1-16-2020

please see exhibits

- A exhibit 1 - Jailview printout (2pgs)
- B exhibit 2 - Copy of Warrant (1pg)
- C exhibit 3 - Alabama Code of conduct for distribution (2pgs)
- D exhibit 4 - Case action summary (2pgs)

**MILTON, MICHAEL DION (B/ MALE / DOB: 9/24/1963 )**

Contact: [SmartCOP](#)  
 Status: Released  
 Booking No: MCSO18JBN000763  
 Booking Date: 01/21/2018 02:38 PM  
 Age On Booking Date: 54  
 Bond Amount: \$500.00  
[Enlarge Photo](#)

Released  
 MCSO18JBN000763  
 01/21/2018 02:38 PM  
 MniNo:  
 Released:  
 54  
 \$500.00

MCSO00MNI064296  
 01/30/2018 01:34 AM

A-1

1 of 2

1/16/2020, 3:36 PM

A-1

**CHARGES**

<b>STATUTE</b>	<b>COURT CASE NUMBER</b>	<b>CHARGE</b>	<b>DEGREE LEVEL</b>	<b>BOND</b>	
[+] 13A-8-19	000-0000 (HUNTSVILLE POLICE DEPARTMENT)	RECV.STLN PRP.4 DEG \$499 OR LESS (2016)	M	\$0.00	
[+] 13A-12-212	000-0000 (HUNTSVILLE POLICE DEPARTMENT)	POSSESSION OF A CONTROLLED SUBSTANCE	F	\$0.00	
[+] 32-6-19	10936426 (HUNTSVILLE POLICE DEPARTMENT)	DRIVING WHILE LICENSE SUSPENDED	U	\$0.00	
[+] 13A-8-19	WR18-387 (HUNTSVILLE POLICE DEPARTMENT)	RECV.STLN PRP.4 DEG \$499 OR LESS (2016)	M	\$500.00	
[+] 13A-12-211	WR18-388 (HUNTSVILLE POLICE DEPARTMENT)	DISTRIBUTION OF A CONTROLLED SUBSTANCE	F	F	\$2500.00

**MILTON, MICHAEL DION (B/ MALE / DOB: 9/24/1963 )**

Status: Released  
 Booking No: MCSO18JBN003797  
 Booking Date: 03/28/2018 01:05 AM  
 Age On Booking Date: 54  
 Bond Amount: \$1000.00  
 CELL Assigned:

MCSO00MNI064296  
 03/28/2018 04:43 AM

[Enlarge Photo](#)**CHARGES**

<b>STATUTE</b>	<b>COURT CASE NUMBER</b>	<b>CHARGE</b>	<b>DEGREE LEVEL</b>	<b>BOND</b>
[+] 13A-12-214	000-0000 (MADISON COUNTY SHERIFFS OFFICE)	POSSESSION OF MARIJUANA SECOND DEGREE	S	M \$1000.00

B-2

DOCUMENT 1

DC10-594

## ALABAMA JUDICIAL INFORMATION SYSTEM

\* \* \* IN THE DISTRICT COURT OF MADISON COUNTY \* \* \*

AGENCY NUMBER: 2018-31701

WARRANT NUMBER: WR 2018 000388.00  
OTHER CASE NBR:

## C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF MADISON COUNTY, ALABAMA, PERSONALLY APPEARED AGT SCHMITT WHO BEING DULY SWEORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT MICHAEL DION MILTON DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

ON OR ABOUT 1/21/18 MICHAEL MILTON KNOWINGLY POSSESSED ANY OF THE FOLLOWING QUANTITIES OF A CONTROLLED SUBSTANCE:  
 (X) MORE THAN EIGHT GRAMS, BUT LESS THAN 28 GRAMS OF COCAINE OR ANY MIXTURE, TO-WIT: 9.6 GRAMS OF COCAINE  
 IN VIOLATION OF SECTION 13A-12-211(C) OF THE CODE OF ALABAMA 1975.  
 IN VIOLATION OF 13A-012-211(C) OF THE CODE OF ALABAMA,  
 AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

P. Schmitt 1474  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 22 DAY OF JANUARY, 2018.

Shesa Russell  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: UNLAWFUL POSS W/INTE 13A-012-211(C) F FELONY

WITNESS FOR THE STATE

AGT SCHMITT/STAC//00000

OFF ZUROWSKI/HPD//00000

OPERATOR: TER DATE: 01/22/2018

**Unlawful distribution of controlled substances; possession with intent to distribute a controlled substance.**

- (a) A person commits the crime of unlawful distribution of controlled substances if, except as otherwise authorized, he or she sells, furnishes, gives away, delivers, or distributes a controlled substance enumerated in Schedules I through V.
- (b) Unlawful distribution of controlled substances is a Class B felony.
- (c) A person commits the crime of unlawful possession with intent to distribute a controlled substance if, except as otherwise authorized by law, he or she knowingly possesses any of the following quantities of a controlled substance:
- (1) More than eight grams, but less than 28 grams, of cocaine or of any mixture containing cocaine.
  - (2) More than two grams, but less than four grams, of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin.
  - (3) More than eight grams, but less than 28 grams, of 3,4-methylenedioxy amphetamine, or of any mixture containing 3,4-methylenedioxy amphetamine.
  - (4) More than eight grams, but less than 28 grams, of 5-methoxy-3, 4-methylenedioxy amphetamine, or of any mixture containing 5-methoxy-3, 4-methylenedioxy amphetamine.
  - (5) More than eight grams, but less than 28 grams, of amphetamine or any mixture containing amphetamine, its salt, optical isomer, or salt of its optical isomer thereof.
  - (6) More than eight grams, but less than 28 grams, of methamphetamine or any mixture containing methamphetamine, its salts, optical isomers, or salt of its optical isomers thereof.
- (d) Unlawful possession with intent to distribute a controlled substance is a Class B felony.

*(Acts 1987, No. 87-603, p. 1047, §2; Act 2001-971, 3rd Sp. Sess., p. 873, §2; Act 2012-393, p. 1052, §1.)*

C-3  
Section 13A-8-19

DC 18-593

**Receiving stolen property in the fourth degree.**

(a) Receiving stolen property which does not exceed five hundred dollars (\$500) in value constitutes receiving stolen property in the fourth degree.

(b) Receiving stolen property in the fourth degree is a Class A misdemeanor.

*(Acts 1977, No. 607, p. 812, §3243; Acts 1979, No. 79- 471, p. 862, §1; Act 2003-355, p. 962, §1; Act 2015-185, §2.)*

ACR352  
OPER: STP  
PAGE: 1

ALABAMA JUDICIAL INFORMATION SYSTEM      CASE: DC 2018 000594.00  
CASE ACTION SUMMARY  
DISTRICT CRIMINAL      RUN DATE: 01/29/2018

IN THE DISTRICT COURT OF MADISON COUNTY

JUDGE: LFC

STATE OF ALABAMA

VS MILTON MICHAEL DION  
4331 IRONDALE DR NW

CASE: DC 2018 000594.00

HUNTSVILLE, AL 35810 0000

DOB -  
SSN

SEX: M RACE: B HT: 6 10 WT: 350 HR: BLK EYES: BRO  
IAMS NAMES:

CHARGE01: UNLAWFUL POSS W/INTE CODE01: UPCC LIT: UNLAWFUL POSS TYP: F #: 001  
OFFENSE DATE: 01/21/2018 AGENCY/OFFICER: 0471100 SCHMITT

DATE WAR/CAP ISS:  
DATE INDICTED:  
DATE RELEASED:  
BOND AMOUNT: \$2,500.00

DATE ARRESTED: 01/22/2018  
DATE FILED: 01/29/2018  
DATE HEARING:  
SURETIES:

DATE 1: 02/07/2018 DESC: FLEX  
DATE 2: DESC:

TIME: 0830 A

TRACKING NOS: WR 2018 000388 00

1

DEF/ATY:

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PROSECUTOR:

OTH CSE: WR201800038800 CHK/TICKET NO: 2018-31701  
COURT REPORTER: SID NO: 000000000  
DEF STATUS: JAIL DEMAND:

**GRAND JURY:**



D-4  
AlaFile E-Notice

47-DC-2018-000594.00

Judge: LINDA F. COATS

To: HARGRAVE HAROLD EUGENE II  
harold@hargravelawfirm.com

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## NOTICE OF CASE SETTING

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IN THE COURT OF MADISON COUNTY, ALABAMA

STATE OF ALABAMA V. MILTON MICHAEL DION  
47-DC-2018-000594.00

The following matter is SET FOR PRELIMINARY HEARING

Setting Date: 04/18/2018  
Setting Time: 09:30:00 AM  
Location: MADISON COUNTY COURTHOUSE 3RD FLOOR,  
ROOM 306 HUNTSVILLE, AL 35801  
Notice Date: 3/26/2018 3:29:14 PM

DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390